

# Public Document Pack

## **LICENSING SUB COMMITTEE** **MONDAY 30<sup>TH</sup> JULY 2012**

LATE ITEM – TRAX TEMPORARY EVENT NOTICE

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**LICENSING SUB COMMITTEE**

**MONDAY 30<sup>TH</sup> JULY 2012**

LATE ITEM – APPLICATION FOR A TEMPORARY EVENT NOTICE, TRAX, 148  
CHAPELTOWN ROAD

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**Report author: Mr Shaam Amin**  
**0113 2474095**

**Report of the Head of Licensing and Registration**

**Report to the Licensing Sub Committee**

**Date: 30th July 2012**

**Subject: Temporary event notice for Trax, 148 Chapeltown Road, Chapeltown, Leeds, LS7 4EE**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Chapel Allerton	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

**Summary of main issues**

This report advises Members that a temporary event notice has been received for Trax, 148 Chapeltown Road, Chapeltown, Leeds, LS7 4EE

The Health and Environmental Action Service have served an objection notice on the grounds of public nuisance.

Members of the Licensing Sub Committee are asked to consider the temporary event notice and the objection notice.

**1.0 Purpose of this Report**

- 1.1 To advise Members of a temporary event notice served under section 100 of the Licensing Act 2003 ("the Act") in respect of the above mentioned premises.
- 1.2 Members are required to consider this application due to the receipt of an objection notice from the Health and Environmental Action Service.

**2.0 History of Premises**

- 2.1 The premise has the benefit of a premises licence since 2005. Five TENs have been held throughout 2011 without incident taking place.

### **3.0 The Application**

- 3.1 The proposed premises user is Mr Kimber Churchill Harry.
- 3.2 The location of the premises can be seen on the maps at Appendix A.
- 3.3 A copy of the temporary event notice is attached at Appendix B.
- 3.4 In summary the temporary event notice is for

The Sale by Retail of Alcohol  
The Provision of Regulated Entertainment

Sunday 6<sup>th</sup> August            04:30 – 07:00

Maximum capacity at the event: 270

### **4.0 Other matters relevant to the application**

- 4.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.
- 4.2 Members of the Licensing Sub Committee must make decision with a view to the prevention of crime and disorder.

### **5.0 Representations**

- 5.1 The Health and Environmental Action Service have received a copy of the notice. They consider that allowing the premises to be used in the manner set out in the temporary event notice will undermine the prevention of public nuisance and have issued an objection notice.
- 5.2 A copy of the objection notice is attached at Appendix C.

### **6.0 Options Available to Members**

- 6.1 The Licensing Sub-Committee must take such of the following steps as it considers necessary:
  - Issue a counter notice against the event in order to prevent the event from taking place.
  - Allow the event to take place
- 6.2 Members of the licensing Sub-Committee are asked to note that they may not restrict or attach conditions to the temporary event notice.

## **7.0 Background Papers**

- Guidance issued under s182 Licensing Act 2003
- Leeds City Council Licensing Policy
- Representations received from Interested Parties

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**Appendix A**

**Key**

- - Non-Premises Licence / Terminated Licence
- - Private Member's Club
- \* - Community Premises (With Alcohol)
- \* - Community Premises (Without Alcohol)
- ◆ - Entertainment Only
- ❖ - Outdoor Space – High Capacity
- ⊕ - Late Night Refreshment
- ▲ - Off Licence
- - On Licence (Primary Use)
- - On Licence (Secondary Use)

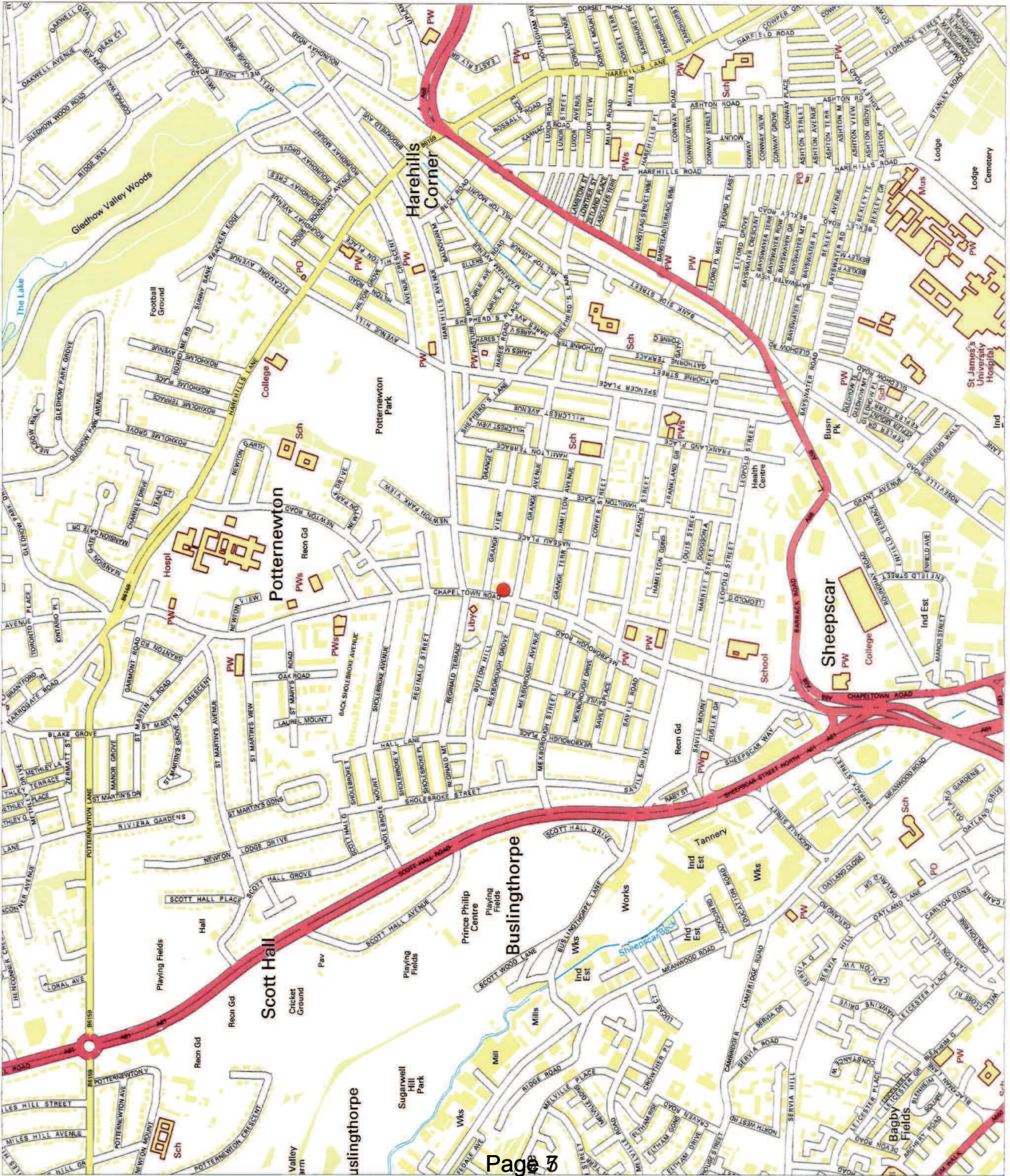
This map is based upon the Ordnance Survey's digital data with the permission of the Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office

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<b>Title:</b>	TEN/00038/12
<b>Sub Title:</b>	Trax - 148 Chapeltown Road
<b>Date:</b>	25 July 2012
<b>Scale:</b>	1:8500



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**Leeds**  
CITY COUNCIL

Mr Kimber Churchill Harry  
42 Button Hill  
Chapeltown  
Leeds  
LS7 3DA

**Licensing and Registration**  
Entertainment Licensing Section  
Civic Hall  
Leeds LS1 1UR

Contact: Mr Shaam Amin  
Tel: 0113 2474095  
Fax: 0113 2243885  
Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)  
Our Ref: A80/TEN/00038/12

23rd July 2012

Dear Mr Harry

**TEMPORARY EVENT NOTICE: TEN/00038/12**  
**NAME OF PREMISES USER: MR KIMBER CHURCHILL HARRY**  
**EVENT PREMISES: TRAX, 148 CHAPELTOWN ROAD, CHAPELTOWN, LEEDS, LS7 4EE**

I acknowledge receipt of your Temporary Event Notice together with payment of **£21.00**.  
Please find attached our receipt numbered **015739** in respect of the payment.

**IMPORTANT – Your duties regarding the display of the Temporary Event Notice**

The Licensing Act 2003 requires that you do either of the following:

- Display the Temporary Event Notice for the duration of the event; or
- Display a Notice stating that a Temporary Event Notice is in force.

Please find enclosed a "TEN Summary" document (printed on green paper) which, if displayed, will satisfy the above criteria.

The legislation also requires you to produce the notice when asked to do so by either an officer from Leeds City Council or a relevant person. In this case a relevant person is either a police officer or an environmental health officer. Please refer to the attached general guidance notes for more information.

Please note Section 104 (1) of the Licensing Act 2003 states that you as the "premises user", must also give a copy of the Temporary Event Notice to the police and environmental health. If you have not done this, please do so now. The details of the relevant people are as follows:

**West Yorkshire Police**  
Robert Patterson  
Leeds District Licensing Officer  
Millgarth Police Station  
Leeds LS2 7HX



**Leeds City Council - Health and Environmental Action Service**

Millshaw Office  
Millshaw Park Way  
Churwell  
Leeds LS11 0LS

The police and environmental health will make a decision about the proposed event based on the information contained in the notice. Should they consider that the activities proposed by the temporary event notice would undermine the licensing objectives they may serve a counter notice. Should this happen we will contact you and advise further.

If you do not serve the police and environmental health with a copy of the Notice this will make your Temporary Event Notice invalid. If you carry on this event without a valid Temporary Event Notice in place, you will be committing a serious offence under the Licensing Act 2003.

**Important Note**

The premises user should note that although they are operating licensable activities under the authorisation of the Temporary Event Notice, they are recommended to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

There may also be planning conditions on the premises which restricts certain activities or prevents the premises being used beyond a certain hour. Additional permission may also be required to install any temporary structures or special effects at the premises.

Please do not hesitate to contact us should you require any further assistance.

Yours sincerely



Mr Shaam Amin  
Administrative Assistant  
Entertainment Licensing Section

If you would like to offer feedback on the service you have received please visit our website at <http://tinyurl.com/bvzfgs3>. Alternatively please contact us and we will send you a feedback card in the post.

Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

### Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	HARRY		
Forenames	KIMBER CHURCHILL		
2. Previous names: (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary).			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 26	Month FEB	Year 1942
4. Your place of birth	DOMINICA		
5. National Insurance Number	YH 09 72 47C		
6. Your current address: (We will use this address to correspond with you unless you complete the separate correspondence box below).			
42 BUTTON HILL			
Post town	LEEDS	Post code	LS7 3DA
7. Other contact details			
Telephone numbers:			
Daytime	0113 262 7425		
Evening (optional)			
Mobile (optional)	07515 695 637		
FAX NUMBER (optional)			
E-Mail Address (if available)			

8. Alternative address for correspondence (if you complete the detail below, we will use this address to correspond with you)

Post town

Post code

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

FAX NUMBER (optional)

E-Mail Address (if available)

## 2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references).  
(Please read note 2)

148 CHAPELTOWN ROAD  
LEEDS LS7 4AE

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

NIGHTclub / Public House

Please describe the nature of the event below. (Please read note 5)

<b>3. The licensable activities</b>	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
05-08-2012	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
04:30 - 07:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	270
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

<b>4. Personal licence holders</b> (Please read note 12)	
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	LEICESTER City Council
Licence number	LEICESTER/PERL/03571/07
Date of issue	
Date of expiry	12/04/2017
Any further relevant details	

<b>5. Previous temporary event notices you have given</b> (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues</b> (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) has given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after; the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>



7. Checklist (Please read note 16)	
Detail (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated;	<input type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

**8. Condition (Please read note 16)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**9. Declaration (Please read note 16)**

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale, and;
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000 or to imprisonment for a term not exceeding six months, or to both.

SIGNATURE *[Signature]*

DATE *19 July 2012*

Name of Person signing *KIMBER CHURCHILL HARRY*

For completion by the licensing authority

**10. Acknowledgement (Please read note 19)**

I acknowledge receipt of this temporary event notice.

SIGNATURE *[Signature]*  
On behalf of the Licensing Authority

DATE *23/7/12*

Name of officer signing *PHOENIX CARROLL*

## NOTES

### General

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority may intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person (the "premises user") may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 14 below explains the definition of an "associate".

When permitted temporary activities take place, a premises user must either ensure that:

- a copy of the temporary event notice endorsed as acknowledged by the licensing authority is prominently displayed at the premises; or that
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be prominently displayed at the premises.

**Temporary Event Notice  
Summary**

Licensing Act 2003



**TEN/00038/12**

A temporary event notice has been served and is in force for the following premises:

**Trax  
148 Chapeltown Road  
Chapeltown  
Leeds  
LS7 4EE**

This temporary event notice authorises the following licensable activities:

**Sale by Retail of Alcohol  
Provision of Regulated Entertainment**

During the following hours:

**04:30 - 07:00**

On the following date:

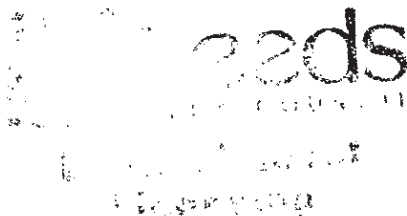
**5th August 2012**

Event Capacity (including staff):

**270 people, on the premises only**

**Mr Kimber Churchill Harry** is the Premises User

**Office Stamp:**



**Signed:**

**Date:**

23rd July 2012

**Officer:**

Miss Philomena Carville

**Capacity:**

Principal Licensing Officer

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**Amin, Imtishaam**

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**From:** Mudhar, Gurdip  
**Sent:** 20 July 2012 14:01  
**To:** Amin, Imtishaam; Entertainment Licensing  
**Subject:** TEN 148 Chapeltown Road LEEDS 7

Sham

Just to let you know that Environmental Health is objecting to the above application on the grounds of possible public nuisance ( noise from loud music, comings and goings of customers). I have discussed this with the applicant Mr. Churchill.

Regards.

Gurdip Mudhar ( Senior Environmental Health Officer)  
Health and Environmental Action Service  
Environmental Protection Team  
Leeds City Council  
Knowsthorpe Gate  
Cross Green Industrial Estate  
Leeds  
LS9 0NP  
Tel: 0113 3951171  
Fax: 0113 2474947

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Find out about the Leeds Olympic programme [www.leedsgold.co.uk](http://www.leedsgold.co.uk)

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